

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GOLO, LLC,

Plaintiff,

v.

Goli Nutrition Inc., a Canadian Corporation,
Goli Nutrition Inc., a Delaware Corporation and
Michael Bitensky,

Defendants.

C.A. No. 20-667-RGA

JURY TRIAL DEMANDED

Goli Nutrition Inc., a Canadian Corporation and
Goli Nutrition Inc., a Delaware Corporation,

Counter-Plaintiffs,

v.

GOLO, LLC and Christopher Lundin,

Counter-Claim Defendants.

**DEFENDANTS' AND COUNTER-PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

Defendants and Counter-Plaintiffs Goli Nutrition Inc., a Canadian corporation, Goli Nutrition Inc., a Delaware corporation, and Michael Bitensky (together, "GN") by and through their undersigned counsel, respectfully move this Court pursuant to Fed. R. Civ. P. 56 for summary judgment dismissing Counts I-II, IV-VI of the First Amended Complaint ("FAC") that ordering that: (1) GN is not liable for trademark infringement or unfair competition under the Lanham Act Or Delaware Uniform Trade Practices Act (D.I. 124, Counts I-II, V); (2) GN's advertisements at issue (*id.*, ¶ 177) are not false or misleading under the Lanham Act or the Delaware Uniform Trade Practices Act (*id.*, Counts IV, VI); and that (3) GN's conduct has not caused GOLO to suffer any harm resulting in the dismissal of GOLO's false advertising claims, *id.*, Counts IV, VI, and a

failure to show entitlement to monetary damages on its infringement and unfair competition claims (*id.*, ¶ 238, 240, 242). GN further moves for summary judgment on Count I of its Counterclaims (D.I. 161, Count I). The grounds for GN's motion are set forth in the Opening Brief in Support of Defendants' and Counter-Plaintiffs' Motion for Summary Judgment filed concurrently herewith.

Dated: April 14, 2023

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